

Peace Workers Convicted !

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Dr. Pauling, Mrs. Eaton, Dr. Spock Testify for 3 Against HUAC

DEFENDANTS AND WITNESSES: Dr. Benjamin Spock, renowned child specialist and co-chairman of SANE; Mrs. Anne Eaton (seated), peace worker and wife of industrialist Cyrus Eaton, founder of the Pugwash Conferences; Defendant Russ Nixon, general manager of the **National Guardian**; Defendant Mrs. Dagmar Wilson, artist and founder of Women Strike for Peace; Dr. Linus Pauling, winner of two Nobel Prizes, in Peace and Chemistry; Defendant Mrs. Donna Allen, economist, Legislative Chairman of the Women's International League for Peace and Freedom and Women Strike for Peace leader.

Secret Hearings

Mrs. Wilson, Mrs. Allen and Mr. Nixon refused to testify except in public. They were not granted a public hearing but instead were cited, indicted, and convicted. Charge: contempt of Congress.

Why were they called in the first place?

HUAC claimed it was investigating: "Strategy, tactics, and activities of members of the Communist Party and Communist organizations in aiding entry into the U.S. of aliens inadmissible under provisions of the Immigration and Nationality Act."

Who were the "inadmissible aliens"?

REIN: . . . this Committee was . . . investigating the propriety of actions taken by the State Department and the Justice Department in admitting one particular alien . . .

What was wrong with this "one particular alien"?

Was it his "peace-line"?

What was the real purpose of the HUAC secret hearing?

The Trial

In the summer of 1963, the **National Guardian** invited Japanese peace leader and law school dean, Professor Kaoru Yasui to the United States for a ten-day lecture tour. **Guardian** General Manager Russ Nixon, Mrs. Dagmar Wilson and Mrs. Donna Allen visited the State Department to request a visa for the Professor. It was granted. One year later, the three were served subpoenas by the House Un-American Activities Committee.

" . . . one of the reasons why we decided to call him (Russ Nixon) and Donna Allen and Dagmar Wilson, was the fact that it was the Committee's knowledge that they had visited the State Department. We had previously taken testimony (from State Department people) on this matter and had been denied information as to what transpired at this meeting in the State Department. The Committee was most desirous of finding out what had gone on . . ." So testified Francis J. McNamara, HUAC staff director and sole witness called by the Government's attorney, Joseph A. Lowther, at the contempt of Congress trial of the 3 on April 7th and 8th. This extreme concern with the details of a perfectly open, legal visit by three citizens to the State Department was curious indeed.

A REPORT FROM THE TRIAL TRANSCRIPT

The Inadmissible "Peace-Line"

The Fantasy

Staff Director McNamara recommended to HUAC that Professor Yasui's admission to the United States be investigated because he spoke "... along the peace-line." In cross examination, David Rein, attorney for the 3, inquired further:

REIN: Did you consider that to be derogatory, that he spoke along the peace-line?

McNAMARA: I was recording the facts simply and briefly to the Committee, the type of organizations he appeared before,* the general theme of his talk.

REIN: And you described the general theme of his talk as being for peace, is that correct?

McNAMARA: The peace-line, yes.

REIN: What do you mean by the "peace-line?"

McNAMARA: I mentioned I believed the Committee understood the type of peace propaganda that has been propagated for many years now by Communist Parties, Communist Fronts, Communist Journals, and certain persons who, for a period of many years, have been associated with Communist causes of one kind or another.

REIN: In other words, you, in effect, characterized to the Committee that Professor Yasui had been making Communist-line speeches, is that what you said?

McNAMARA: I stated—not that—I said peace-line speeches.

REIN: That is all you said?

McNAMARA: Yes.

REIN: You didn't tell them what the contents of his speeches were?

McNAMARA: I did not.

REIN: Did you know what they were?

McNAMARA: I did not. I might have known the contents of some of them.

The Reality

REIN: Can you tell us briefly what he said, just a summary of what he said?

PAULING: Professor Yasui made some mention of the Japanese experience with the atomic bombs that were exploded at Hiroshima and Nagasaki in 1945, and he referred to Article 9 of the Japanese Constitution which, with the support, strong support, of General MacArthur, had been introduced in the Constitution, an article stating that Japan will not develop a military force.

He discussed the damage being done by the radioactive fall-out from the testing of atomic bombs, and discussed the magnitude of a war in which the existing nuclear weapons would be used.

He made some reference to the immorality of war, and expressed the hope that there would be action of the nations of the world through international treaties leading to the cessation of bomb tests, restrictions preventing the spread of nuclear weapons to nations that do not have them now, ultimately leading to general disarmament, and the utilization of the resources of the earth for the benefit of human beings.

* * * * *

REIN: And did you follow Professor Yasui's writings in connection with your interest in this area?

MRS. EATON: I did. Of course, as you know, about the Women Strike for Peace, and others, we are all immediately international. After all, one has to be, so we know what is going on in other countries.

REIN: And did you learn what Professor Yasui's position was with respect to nuclear test bans?

MRS. EATON: Yes. Of course, that was one of the things that appealed about him so much. He was, and I think, consistently—I never heard any statement otherwise attributed to him—opposed to any testing by any country, or by all countries . . . He is a very gentle man, a courteous man, and he spoke of the necessity of friendship between Japan and the United States.

* * * * *

REIN: Do you recall, very briefly, can you summarize what Yasui said at that meeting, briefly?

DR. SPOCK: I thought that Mrs. Eaton's description of it would fit with mine. I was particularly impressed, too, by his gentleness, by his friendliness, friendliness that he felt for the American people. I felt what was particularly moving was the

*Such as the one described by Mrs. Eaton in her testimony: "I arranged a small dinner for some of the corporation lawyers, and the Dean of Western Reserve Law School, and the man who was the chairman of the Committee on International Law for the Cleveland Bar Association . . . for (Yasui) before his big speech . . . these lawyers . . . were mostly interested . . . in his international law expert status."

message that he brought of how shocked, horrified, the whole of Japan had been as a result of the two bombs that were dropped there, and it seemed to me that this had given the Japanese people a much more immediate and vehement necessity for guarding against nuclear war than we have in this country where it seemed such a remote thing.

Who Let the "Peace-Line" In?

THE YASUI WELCOMING COMMITTEE?

The Fantasy

Staff Director McNamara explained to HUAC "... When Professor Yasui came or was trying to enter this country, an organization with many members of the Communist Party was trying to welcome him." Mr. McNamara further informed the Committee, "In addition to those publicly identified there were many other persons on the Committee who had extensive records of association with Communist Fronts and causes."

He testified on the first day that half of the Welcoming Committee were "identified" Communists:

McNAMARA: I informed the Committee members last February that of the 60 or so names which had been listed publicly sponsoring the Organization, 30 or so had been identified members of the Communist Party.

But the next morning, in cross-examination, Mr. McNamara admitted there were close to 200 people on the Welcoming Committee:

REIN: Approximately 30 of 200?

McNAMARA: That is correct. Close to 200.

REIN: What, if any, figure did you give to the Committee as to the number of people, the total number of people on the Committee?

McNAMARA: I am trying to recall now. I believe I said something like a hundred.

REIN: Your testimony of yesterday was incorrect?

McNAMARA: That is correct.

REIN: . . . did you report all the names on the Welcoming Committee?

McNAMARA: No, I did not. I did not report any specific names. I just summarized, gave the Committee the basic facts . . .

REIN: Did you tell the Committee who the two co-chairmen of this . . . Welcoming Committee were?

McNAMARA: I am not certain. I may or may not have mentioned that.

REIN: Did you report to the Committee that one of the members of this Welcoming Committee was Professor Alexander Meiklejohn?

McNAMARA: No, I did not.

REIN: Did you report to the Committee that another member of this Committee was Gwenn Verdon?

McNAMARA: I did not . . . Now, if I, for example, were to tell the Committee everything I knew . . . All I do is hit the high points, significant ones, which are enough evidence for the Committee to make an intelligent judgment on it.

The Reality

REIN: Did it . . . come to your attention, Mrs. Eaton, that a tour was being planned for Professor Yasui in the United States?

MRS. EATON: I had a letter from James Aronson, the Editor of the *National Guardian*, asking if I would co-sponsor with Dr. Pauling, a welcoming committee.

REIN: Did you agree to do that?

MRS. EATON: Very enthusiastically. . . . I feel that any opportunity that American citizens have to hear from citizens from other countries, who are as determined as some of us here, that war must be avoided, is to be encouraged.

* * * * *

REIN: Will you tell us very briefly the basis upon which you agreed to take on that (co-chairmanship of the Yasui Welcoming Committee)?

DR. PAULING: . . . because of my confidence in Professor Yasui, who is, I believe, the outstanding Japanese peace worker, the foremost Japanese peace worker, one of the leading peace workers in the world, I agreed to serve as co-chairman of this Welcoming Committee.

* * * * *

REIN: Did it later come to your attention, Dr. Pauling, that Professor Yasui was having some difficulty obtaining a visa to come into the United States . . .

DR. PAULING: Yes, it did.

REIN: And did you do anything about it?

DR. PAULING: Yes, I helped to formulate a message that was sent by Mrs. Eaton and me to the members of the Welcoming Committee asking that they work to apply pressure to the State Department to have a visa issued to Professor Yasui.

OTHERS WHO WANTED TO HEAR HIM?

The Fantasy

McNAMARA: And I also mentioned the fact, as I recall it now, at that Committee meeting that at the conclusion of her testimony before the Committee in December of 1962, Mrs. Wilson had indicated that she would make no effort to keep Communists out of (Women Strike for Peace). So the very real possibility of Communist influence in the Organization being (exerted) on Mrs. Allen and Mrs. Wilson with a view of inducing them to go to the State Department to plead for a waiver for Professor Yasui was a real possibility to be explored by the Committee.

The Reality

Who in Women Strike for Peace might have "induced" Mrs. Wilson?

Perhaps it was the WSPer who successfully "induced" Senator Hubert Humphrey to petition the State Department for the Yasui visa. Or, maybe, WSPer Anne Eaton who testified at the trial:

MRS. EATON: Yes, I have been active, as active as I could be with the Women Strike for Peace and the Women's International League and other related peace groups. . . . I sent a wire myself to the Secretary of State Rusk, which I have with me, and I sent a wire to Senator Young of Ohio, who is my Senator, explaining the situation and asking him if he would be good enough to intercede.

REIN: Did he intercede, so far as you know?

MRS. EATON: He did. And I called Norman Cousins, or he called me, I have forgotten which, Editor of the *Saturday Review*. I asked Carey McWilliams, of *Nation* to send a wire, which he did, and I think I talked with others on the phone asking them please to represent to the State Department their wish that Professor Yasui be granted a visa.

Who may have "induced" Mrs. Allen?

The Women's International League for Peace and Freedom, of which Mrs. Allen is National Legislative Committee Chairman, urged the granting of the Yasui visa on civil liberties grounds. Its president, Dr. Dorothy Hutchinson, wrote the Secretary of State requesting the visa, and its Legislative Secretary Annalee Stewart petitioned the Visa Division by phone. The American Civil Liberties Union, of which Mrs. Allen is also a member, made representation to visa officials for the visa.

OR WAS IT THE STATE DEPARTMENT?

Yes, it was the State Department that let the "peace line" in. But here, too, McNamara tried to imply some Communist connection with the visa:

The Fantasy

McNAMARA: It was sufficient for my purposes and for the Committee's knowledge . . . to state the simple facts that four or five witnesses had identified (Russ Nixon) as a member of the Communist Party. . . .

REIN: . . . you don't know the basis upon which they identified Mr. Nixon?

McNAMARA: Not at the moment, no, I don't.

REIN: Did you know it at the time—

McNAMARA: I did not when I briefed the Committee, no.

REIN: Did you know as of what period they placed Mr. Nixon with the Communist Party?

McNAMARA: No, I did not.

REIN: Could it have been as long ago as 1939, is that correct?

McNAMARA: That is possible.

The Reality

The State Department granted the visa upon consideration of the proper request by the party who invited the Professor to the United States, as described in Government Exhibit 7—newspaper article:

"On November 5 the *Guardian* called the State Department and was told that there had not been time to process the application. The following day, General

Manager Russ Nixon personally visited the Visa Division in Washington.

"He was informed that the visa application for Yasui would be denied on grounds that he belonged to organizations proscribed by the Walter-McCarran Act unless the Secretary of State and the Attorney General decided that a waiver would be granted when the visa of an individual is deemed to be in the public interest.

"Accordingly, the *Guardian* on November 8 submitted to the State Department a four point memorandum urging 'the waiver of any obstacle to granting a visa to the Japanese peace leader and legal scholar' in our national interest. . . .

"Then on November 13th word arrived of the visa granting. . . ."

THOSE ELUSIVE "COMMUNIST" ORGANIZATIONS

REIN: And you reported that the *Guardian* has been cited, is that your phrase?

McNAMARA: That is correct.

REIN: And who had it been cited by?

McNAMARA: The Committee on Un-American Activities.

REIN: When you talk about organizations being cited, you don't mean organizations have been found to be Communist dominated by the agency set up under the Internal Security Act?

McNAMARA: Yes, that is included, too.

REIN: Included, but does not necessarily mean this?

McNAMARA: Not limited to those.

REIN: It wasn't true of the *Guardian*, was it?

McNAMARA: No, the *Guardian* has never been the subject of a hearing before the Subversive Activities Control Board.

In other words, the Justice Department had never had reason to question the *National Guardian* which had sponsored Yasui's tour. What about Women Strike for Peace which, McNamara, in his direct testimony, called "Communist infiltrated"?

REIN: Now, has the Women Strike for Peace been cited in any way by the House Un-American Activities Committee? Does it appear in the catalog of organizations?

McNAMARA: No, it does not.

DECISION OF THE COURT — APRIL 8, 1965

JUDGE EDWARD M. CURRAN: The evidence before me is a sufficient basis on which the witnesses were called. It was a duly constituted Committee of the House, the defendants were properly subpoenaed, appeared before the Committee, and refused to answer the questions. I find all three defendants guilty.

PRE-SENTENCING STATEMENTS OF THE 3 — JUNE 4, 1965

Dagmar Wilson

In approaching the State Department to request a visa for Professor Yasui, I was exercising a democratic privilege and carrying out a democratic responsibility. In insisting on a public hearing when questioned by the House Committee on Un-American Activities, I was asserting a democratic right.

This court has found me guilty of contempt of Congress. My actions, far from being contemptuous, are an affirmation of the principle which is fundamental to American life: that of government by consent of the governed. . . .

If any are contemptible it is those who, like the gentlemen of the . . . Committee . . . seek to silence the voices of those who have dedicated themselves to meeting the most urgent need of our times—the necessity for nuclear disarmament under international law.

Donna Allen

I am now a convicted criminal. But I ask why? . . . In the words of (HUAC), I am guilty of "an excessive concern for peace" . . . For my beliefs, the Committee determined that I was to be punished along with my two colleagues by social ostracism that would discredit us and inhibit others from taking up our ideas.

I am also guilty . . . of petitioning my government. . . . Can or can't I and all Americans feel free to petition our government for any belief including peace without being subpoenaed by (HUAC)?

The requirement that I testify in secret implies . . . that I know derogatory information about someone, that I have some secret knowledge about subversive activities. . . . my only protection against these damaging implications lies in

open hearings where public opinion can see what the Committee is trying to do. Yet I am judged guilty of contempt of Congress for thus trying to protect myself.

Russ Nixon

I feel a deep sense of urgency . . . about the unbelievable menace humanity faces from the Cold War and its nuclear arms race and military conflict, and about the attendant poverty of human progress and the alienation of man which are its inevitable companions. . . . I have sought to speak and write and help organize my fellow citizens for greater understanding of the truth and for a change in a foreign policy I feel to be a disastrous enemy of world peace. . . . We are here because our legitimate activities led to our forced appearance before a hostile, and evilly-motivated secret tribunal bent on . . . intimidation of the peace forces. . . . a complex pattern of McCarthyite repressions and attacks endangers our national welfare and security.

Today there is a significant beginning of a rebirth of democratic debate in our universities and among those struggling for civil rights, economic welfare and peace.

I could not be true either to myself or my country if I failed when challenged to stand guard against the House Un-American Activities Committee that would smother this vitally needed resurgent democracy.

JUDGE CURRAN'S SENTENCING STATEMENT:

The position taken by the defendants in this type of a case is a little different than the ordinary contempt case, because all three were willing to testify in public. But neither the courts nor the citizens of this country can dictate to the legislative branch of the government as to whether or not a hearing shall be held privately or publicly.

The reports of the probation officer show to this court that all three are fine people. Never before have you been in any trouble.

This is not a pleasant duty that I have to do. I do not enjoy imposing sentence, but somebody has to do it.

I will impose a fine of one hundred dollars on each and a sentence of four to twelve months on each, and the execution of the sentences are suspended.

BASIC ISSUES OF THE APPEAL

The Constitutionality of the Committee: The appeal will challenge the fundamental charter of the Committee. The defendants were subpoenaed solely because they exercised their First Amendment right to petition their government and their being called was an effort by the Committee to harass them and others in speaking out for peace.

The Committee's invasion of the jurisdiction of another committee of Congress: The manner and the enforcement of the immigration laws is within the exclusive jurisdiction of the Subcommittee on Immigration and Nationality of the Judiciary Committee.

Enforced secret hearings: The failure to accord the defendants a public hearing was in violation of rights guaranteed by the Committee rules, the rules of the House and fundamental constitutional principles.

The manner in which the defendants were cited: Congress did not approve the citations for contempt.

IN BROADER CONTEXT . . .

The Wilson-Allen-Nixon Case is a crucial link in the growing chain of wide opposition to HUAC. The firm resistance to HUAC by "the 3" was followed in the next hearing in Chicago at the end of May by the very strong challenge to the Committee's constitutionality of the noted heart specialist Dr. Jeremiah Stamler and his assistant, Mrs. Yolanda Hall. The Chicago hearings reflected the growing involvement of the civil rights movement, student, university, and peace forces in the campaign to resist and abolish the House Un-American Activities Committee.

In Congress more than 70 Congressmen have now registered their hostility to the Committee, there have been 21 resolutions introduced to abolish HUAC, and 7 Congressmen have followed the lead of California Congressman Phillip Burton and introduced bills to reform contempt of Congress procedures and quash the House action against Wilson, Allen, and Nixon.

Recent Supreme Court decisions in the Dombrowski-SCEF Files case, the Lamont mail case, and the Brown case on the right of Communists to hold union office have significantly added to the legal basis for finding the HUAC charter unconstitutional. The appeal and defense in the Wilson-Allen-Nixon case provide an important vehicle in this powerful and widening movement to rid the country of the repressive anti-democratic House Un-American Activities Committee.

WHAT YOU CAN DO:

1. Send for material. Visit the news editors of your local press, radio and television. Acquaint your Congressmen, clergymen and others in your community with the case.
2. Schedule a speaker on the case. Dagmar Wilson, Donna Allen and Russ Nixon are available. Write to the Defenders of 3.
3. Contribute to the cost of taking this case to the higher court.
4. Ask your Congressman to support the Burton bill (HR 3784) and abolition of HUAC (HRes 23).

For additional reprints of this fact sheet or information, please contact

Defenders of 3 against HUAC

2016 P Street NW • Suite 32 • Washington DC 20036

Telephone: Area Code 202 232-0803

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